

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2054.04
COMPLAINT INVESTIGATOR:	Jennifer Campbell
DATE OF COMPLAINT:	September 4, 2003
DATE OF REPORT:	October 3, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	October 31, 2003

**COMPLAINT ISSUES:**

Whether the LaPorte Community School Corporation and the South LaPorte County Special Education Cooperative violated:

511 IAC 7-25-7 by failing to conduct an additional special education evaluation upon the request of the parent.

511 IAC 7-27-9(b) by failing to make available to a student with a disability the variety of educational programs and services that are made available to nondisabled students.

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written.

**FINDINGS OF FACT:**

1. The Student is nine years old, attends fourth grade at the School, and is eligible for special education and related services as a student with a learning disability.
2. At the May 29, 2003, CCC meeting, the Complainant asked about testing the Student for math. The Principal acknowledged the request and suggested they complete the paperwork for math testing at the next CCC meeting in August since there were three instructional days left until the first day of summer break. The Complainant did not put her request in writing, nor did the Principal request that she do so. During the course of the investigation, the Parent signed the permission slip for math testing on September 30, 2003; the Student was tested on October 1, 2003. The School deemed the Complainant's May 29, 2003, verbal request for math testing as a written request; therefore, the Student received the additional evaluation within the 60 instructional day timeline.
3. Based on the Student's report card, the Principal did not grant the Student signed permission so that he could participate in a local community football program of which school permission was needed. The Principal reviewed the Student's report card from summer school and felt that she could not sign a waiver for participation due to the Student's poor grades. The Student was denied eligibility to participate in the football league.
4. The Complainant alleges the School did not implement the shortened spelling assignment accommodation identified in the IEP. The IEP states: shorten assignments/vocabulary/spelling, and do not count off for spelling except on spelling tests. The Complainant contends that when she expressed

concern that the Student's spelling assignments were not being shortened, the teachers refused to shorten it. The Teacher said that she is willing to accommodate, but wanted to get a baseline (at the beginning of the new school year) of the Student's capabilities. The August 29, 2003, CCC meeting was held with the purpose of extending the time limit of the IEP to September 16<sup>th</sup>, 2003, in order to give the new LD teacher time to work with the Student and write current goals, and to allow the Educational Audiologist time to complete her testing and paperwork. A CCC meeting was also held on September 3, 2003, to address the Complainant's concerns about the implementation of the accommodations and modifications identified in the IEP. And, the CCC reconvened on September 16, 2003, in order to develop new IEP goals and to determine necessary services for the coming year.

## **CONCLUSIONS:**

1. Finding of Fact #2 indicates that the School tested the Student for math upon the request of the Parent, and within the 60 instructional day timeline for conducting an additional evaluation. Therefore, no violation of the 511 IAC 7-25-7 is found.
2. Finding of Fact #3 shows that the program was a community based organization not facilitated by the School, so the School did not fail to make available to the Student an educational program and service made available to nondisabled students. No violation of 511 IAC 7-27-9(b) is found.
3. Finding of Fact #4 indicates that the School did not fail to implement the Student's IEP as written. Therefore, no violation of 511 IAC 7-27-7(a) is found.

**The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.**